IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc.No.4955-M of 2007

Date of Decision: 27.4.2007

Jarina wife of Kutir .....Petitioner

Versus

The State of Haryana .....Respondent

**CORAM:- HON'BLE MR.JUSTICE S. D. ANAND**

**Present:** Mr.Satish Chaudhary, Advocate
for the petitioner.

Mr.SS Mor, Senior DAG Haryana.

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The prosecution allegations, culled out from the material obtaining on this file, are as under:

The petitioner-accused and the non-petitioner – accused made a representation to the indicated persons that they (petitioner and non-petitioner – accused) have recovered bricks of gold during excavation exercise and they are inclined to dispose the same of at a cheaper rate. Aslam (non-petitioner – accused) made a representation to the above effect to Om Parkash son of Radha Kishan at his hotel. He also gave his mobile number to Om Parkash aforementioned. A sample piece of brick of gold was handed over to him. Om Parkash, in turn, gave that information to his friend Bhola Kumar son of Mulakh Raj who is the complainant in the present case. When the complainant contacted Aslam, a truck driver by profession otherwise, the latter advised him to get into touch with him at his village Tilwara. For the purpose aforementioned, the complainant and his two named friends

went to the house of Aslam on 4.10.2005. Aslam took them to the house of Sarpanch Habbar @ Sule Khan. Kutar (a son of Aslam) and one Iqbal met them over there. Petitioner Jarina wife of Kutar extended hospitality to the visiting party. She also tied Rakhi on the wrist of Virender son of Daljit Singh, one of the three members of the visiting trio. Thereafter, on the asking of Kutar, petitioner Jarina brought out a brick of gold weighing about 5-6 kgs. The complainant and those accompanying him purchased four bricks of gold against cash payment of Rs.36 lacs. Kutar, Aslam and Iqbal also accompanied the complainant and his party upto a distance of one km. On reaching Ujjain, the complainant got the bricks tested from a goldsmith and it transpired that the bricks were of brass. When he lodged a protest in that behalf by visiting the house of Kutar on 6.10.2004, he was told by Habbar and Aslam that it was their profession to cheat people. Kutar also took out a countrymade pistol and held out a threat that the complainant and his aforementioned friend should either go away or they would be done to death.

Learned counsel for the petitioner argues that there is no role whatsoever attributed to the petitioner-accused in the FIR.

The plea advocated on behalf of the petitioner proceeds on a factually incorrect premise. As would be evident from the perusal of FIR, there is precise role attributed to the petitioner-accused. She is alleged to have brought out a brick of gold. She is further averred to have tied Rakhi on the wrist of one of the three members of the visiting trio, i.e. purchasers of bricks of gold. It was obviously done by her in order to inspire the confidence of the visiting complainant-party.

The prosecution allegations are fairly serious in nature and do

not warrant exercise of any judicial discretion in their favour. The anticipatory bail plea shall stand declined.

Disposed of accordingly.

( S. D. ANAND )
JUDGE

April 27, 2007
*SRM*